| UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORKX  |  |
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| TING YAO LIN, FANG LIN, SHENG LAN LI, MU LEI : XIE, TING JIA XIE, and XIE XIN YONG, : Plaintiffs, :              | 08 Civ. 6071 (SAS)  AFFIDAVIT OF PATRICK   |
| v.  HAYASHI YA II, INC. d/b/a HAYASHI YA, HAYASHI YA OF 9 AVENUE, LLC d/b/a HAYASHI YA, FENG LIN, and YANG QING, | RIDEOUT IN SUPPORT OF<br>PLAINTIFFS' REQUEST<br>FOR CERTIFICATE OF<br>DEFAULT AGAINST<br>DEFENDANT YANG QING |
| Defendants. :  |  |
| STATE OF NEW YORK )  COUNTY OF NEW YORK )  |  |

Patrick Rideout, being duly sworn, deposes and says:

- 1. I am a member of the bar of this Court in good standing and counsel to Plaintiffs. I submit this declaration in support of Plaintiffs' request for a certificate of default against Defendant Yang Qing.
- 2. I make this affidavit pursuant to Rule 55.1 and 55.2(a) of the Civil Rules for the Southern District of New York, in support of plaintiff's application for the entry of a default judgment against defendant.
- 3. On July 15, 2008, Plaintiffs filed the Affidavit of Di Cong Jiang (attached hereto as Ex. A) stating that Yang Qing was served in this action on July 9, 2008, when Di Cong Jiang delivered copies of the Summons and Complaint, the Individual Rules and Procedures of Judge Shira A. Scheindlin, ECF procedures, and Individual Practices of Magistrate Judge Andrew J. Peck to Defendant Yang Qing.

- 4. The time within which Yang Qing was to answer or otherwise respond to the Complaint has expired, and Defendant Yang Qing has failed to plead or otherwise defend the above-captioned action.
- 5. To my knowledge Defendant Yang Qing is not an infant, in the military, or an incompetent person.

WHEREFORE, I respectfully ask that the clerk execute the proposed Clerk's Certificate.

Dated: New York, New York August 19, 2008

(patrick.rideout@skadden.com)

Sworn to and subscribed to before me this 19th day of

August, 2008

IRIS N. OTERO Notary Public, State of New York No. 31-4829652 Certificate filed in New York County

Commission Expires

9/30/2010